IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 1005 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ROHINGTON HOMI TARAPURWALA - Applicant(s)
Versus
THE STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :

HL PATEL ADVOCATES for Applicant(s) : 1,
MR SS PATEL APP for Respondent(s) : 1,
None for Respondent(s) : 2 - 5.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 15/12/2006

ORAL JUDGMENT

1. Learned counsel sought permission to delete respondent Nos.2 to 5 as party respondents.

Learned APP having no objection and those respondents being only formal parties who were co-accused with the applicant, permission is granted. Respondent Nos. 2 to 5 stand deleted.

2. Rule. Learned APP wavies service for respondent No.1. The present application is made with the limited prayer of modifying the direction contained in the impugned order dated 9/9/2005 of learned Additional Sessions Judge and 3rd Fast Track Court, Valsad, whereby the leather-case of revolver of the petitioner was ordered to be destroyed with other muddamal articles and 18 live cartridges were ordered to be confiscated. Learned counsel Mr.D.N.Vakil submitted that even as the accused persons were acquitted by the impugned judgment and order, the order to destroy the holster of the revolver and confiscate the live cartridges was not justified. Mr.Vakil also stated at the bar that the revolver seized as muddamal article No.2 was returned to the petitioner after verification of the valid

license to hold the same.

3. Learned APP having no objection to returning the holster and cartridges to the petitioner, the application is allowed in terms of para 5(a) with the direction to return the leather-case of the revolver and 18 cartridges, being muddamal article No.10, as mentioned in the impugned order dated 9/9/2005 in Sessions Case No.582 of 2002. Rule is made absolute with no order as to costs.

(D.H.WAGHELA, J.)

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